

# LOUDOUN COUNTY PLANNING COMMISSION

## ACTION SUMMARY

THURSDAY, JANUARY 29, 2009

6:00 P.M.      WORKSESSION

LOCATION: PURCELLVILLE ROOM  
Government Center  
1<sup>st</sup> Floor

**Commissioners Present:** Peggy Maio, Chairman, Blue Ridge District; Robert Klancher, Vice-Chairman, Broad Run District; Erin Austin, Catoctin District; Sandra Chaloux, Dulles District; Michael Keeney, Sugarland Run District; Gigi Robinson, Leesburg District; Helena Syska, Sterling District.

**Commissioners Absent:** Chris Brodrick, Potomac District; Christeen Tolle, At Large.

**Staff Present:** Julie Pastor, Director of Planning; John Merrithew, Assistant Director of Planning; Andy Beacher, Nancy Gourley, Lou Mosurak, George Phillips, Art Smith, Office of Transportation Services; William Marsh, Building and Development; Brian Fuller, Parks, Recreation and Community Services; Lorna Parkins, Michael Baker Consultants; Planners: Mike Elabarger, Marie Genovese, Kelly Williams; Nancy Bryan, Recording Secretary.

### 1. ACTION SUMMARY REVIEW

- a. The Action Summary of January 8, 2009 was approved as amended. (5-0-4, Brodrick, Keeney, Syska, Tolle absent).
- b. The Action Summary of January 15, 2008 was approved. (5-0-4, Brodrick, Keeney, Syska, Tolle absent).

### 2. DISCLOSURES

- a. Ms. Chaloux met with representatives of the Dulles Parkway Center application on 1/28/09.
- b. Ms. Robinson met with representatives of the Dulles Parkway Center application on 1/28/09, Moorefield Station, and Loudoun Valley Estates II.

### 3. ZCPA 2007-0005, LOUDOUN VALLEY ESTATES II

- Jeff Nein, Land Use Planner, Cooley Godward Kronish, applicant representative discussed the application.
- Mark Baker, Bowman Engineering, commented on the application.
- Ron Snyder, Regional Vice President, Land Development, Toll Brothers, commented on the application.
- Gustavo Bravo of Toll Brothers commented on the application.
- Jack Vega, Professional Engineer, Consultant for Toll Brothers, commented on the application.

Ms. Chaloux moved, seconded by Mr. Keeney that the Planning Commission forward ZCPA 2007-0005, Loudoun Valley Estates II to the Board of Supervisors with a recommendation of approval subject to the Proffer Statement dated January 22, 2009, amended January 29, 2009 with a recommendation that the Proffer Statement, Section 7J, Broad Run Reforestation, identify the reforestation planting to occur prior to the first occupancy permit for each of the

applicable land bays; with the attached Findings for Approval with the following modifications: element #1, add the requirement for the mitigation of wetlands to occur in Loudoun County; element #3, recommending denial of the floodplain buffer reduction; element #5, including a requirement for a ten (10) foot buffer around the cemetery.

#### Findings for Recommendation of Element #3:

One of the goals of Planned Development Housing Districts is to ensure that development is clustered away from important environmental features such as streams, rivers, wetlands, and floodplains. The County's Floodplain Overlay District zoning ordinance was created to regulate and restrict land use in areas within the County which are subject to severe periodic inundation by waters of the 100-year flood, in such a manner as to 1) protect life and prevent or minimize property damage; 2) reduce public costs for flood control, rescue and relief efforts occasioned by unwise use or occupancy of such areas; 3) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on the County's water sources; 4) comply with Federal and State laws and regulations that address the need for floodplain management and protection; and 5) qualify Loudoun residents for the insurance and subsidies provided by the National Flood Insurance Program.

Over time, and with flooding, rivers and streams change their course. They move in and out of their floodplain. For this reason, it is prudent for the County to uphold its management buffer areas and minimize development in these areas, specifically residential lots.

While the management buffers are deemed flexible in the Revised General Plan, residential lots are not a permitted or advisable use in the management buffer areas of the floodplain as specified in the County's Floodplain Overlay District Zoning Ordinance (4-1505 and 4-1506) and Revised General Plan Green Infrastructure policies (5-10 No. 18).

While the applicant's proposed reforestation plan offers some water quality enhancements to the area at some time many years in the future, it will not mitigate the damaging effects that development has on drainage conditions and will not protect life and prevent property damage in the event of a flood.

Mr. Klancher offered a substitute motion, seconded by Ms. Austin, which would retain Item #3 with a modification to it stating that the encroachment in the RSCOD be limited to ten (10) feet.

VOTE: 3-3-3, Chaloux, Keeney, Robinson opposed. The motion failed.

The original motion was placed on the table.

VOTE: 3-3-3, Austin, Klancher, Maio opposed. The motion failed.

Ms. Maio moved, seconded by Ms. Austin, that the Planning Commission forward ZCPA 2007-0005, Loudoun Valley Estates II, to the Board of Supervisors with a recommendation of approval subject to the Proffer Statement dated January 22, 2009 as recommended for amendment on January 29, 2009 concerning the timing of the reforestation, and with the attached Findings for Approval, except for references to the floodplain buffer. Additionally, the Commission recommends that for the road alignments, the wetland mitigation location be kept within the County per policies of the General Plan. And further, regarding Land Bay 4R-3b, a ten (10) foot buffer space be put around the cemetery.

Mr. Klancher offered, accepted by Ms. Maio, a friendly amendment to forward Item #3, reductions to the 50' management buffer, to the Board of Supervisors with no recommendation from the Planning Commission.

(Ms. Maio clarified the following for approval: Elements 1, 2, 4, 5, and recommended a Proffer amendment to start reforestation earlier in the project schedule. And further, that the floodplain buffer reduction go to the Board with no recommendation).

VOTE: 7-0-2, Brodrick, Tolle absent.

#### **4. CPAM 2005-0009, REVISED COUNTYWIDE TRANSPORTATION PLAN UPDATE**

The Office of Transportation Services provided background information regarding the update to the *Countywide Transportation Plan* (CTP). The updated draft CTP was provided for Planning Commission review as part of the process initiated by the Board of Supervisors on October 4, 2005 to review and update the CTP with a focus on corridor review and initiatives. The CTP, as part of the *Revised General Plan*, is required to be reviewed every five years by the Virginia Code.

An earlier draft CTP was provided to the previous Planning Commission for their review in May 2007. Due to the compressed review schedule, the previous Planning Commission was unable to complete its review of the document, however, on those portions that were reviewed, recommendations were provided.

Subsequent to the actions of the previous Planning Commission, the current Board of Supervisors and Planning Commission leadership met with staff to outline a process and timeline for completing the update to the CTP. Additionally, It was determined that the effort to develop a Countywide Transit Plan, which had already been underway as part of a separate process, should be integrated in the CTP to become one document. The adopted schedule, as approved by the Board of Supervisors in October, 2008, is as follows:

August – December	Staff reviews the May 2007 draft text and map and edits for clerical and organizational improvements; deletes references to the Lucketts and Hillsboro Bypasses.
January 2009	Staff-edited CTP, draft Transit Plan, and December 2007 recommendations from the former Planning Commission provided to current Planning Commission.
January – July 2009	Planning Commission review – includes public hearing, worksessions and public input meetings.
September 2009	Planning Commission coordinates with Board of Supervisors leadership on timing of certification of the plan(s) and map – Planning Commission certifies and forwards to the Board of Supervisors.
October 2009	Board of Supervisors holds public hearing on the draft Plan.

October - December 2009

Board Committee of the Whole meets on the Plan.

December 16, 2009

Board of Supervisors vote on the 2009 Countywide  
Transportation Plan/Transit Plan/Map

Items for further discussion include the scope of work; growth assumptions; Transition Area development projections; coordination with adjacent jurisdictions, their comprehensive plans, and maps of their CTPs; community outreach; feedback from the business community; how to approach rural communities; OTS staff list problematic policy items from the Draft that need refining; existing conditions map of the road network highlighting the level of service on every segment; a large map with Mylar illustrating the complete segments and not yet built segments and associated proffers; list of items no longer under consideration; list of other projects that are funded but may not be proffered; briefings on the Greenway, the Transit Plan, and Bicycle and Pedestrian Plan.

- Lorna Parkins, Michael Baker Consultants, commented on the application.